UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	CRIMINAL NO. 16-10168
VICTOR FLORENTINO	)	
Defendant.	)	

SENTENCING MEMORANDUM

Now comes defendant, Victor Florentino, who respectfully files this sentencing memorandum and moves this Honorable Court to impose a sentence of 12 months and a day followed by 6 months of home confinement and supervised release of 2 years. The defense also suggests that Mr. Florentino obtain counseling upon release. In support of this request, defendant states the following:

Objections

The defendant has no objections to the Pre Sentence Report prepared by Probation except to note that the East Boston case, identified in Paragraph 34 of the PSR, has been dismissed..

Grounds For Sentence Request

The defense acknowledges that the sentence requested is a substantial reduction from the guideline sentence recommended by Congress. There are a few factors this Court should consider in adopting the defense recommendation:

1. The Lack of Parental Guidance

Mr. Florentino grew up without the presence of a positive father mentoring figure in his household. In fact, his father, who left when he was five was the opposite. Victor's father had a history of physically abusing his mother, which he witnessed as a young adolescent. While

Victor has not repeated such behavior, he did get into trouble as a teenager. The lack of a male mentor in the household is often cited as a significant factor in assessing whether their male children will also offend. *Frequency and Seriousness of Parental Offending and Their Impact on Juvenile Offending*, Journal of Adolescence 32 p 894-895 (2009), Karin S. Nijhof;[1] and *The Concentration of Offenders in Families and Family Criminality in the Prediction of Boys' Delinquency*. Journal of Adolescence, 24 (2001), Farrington, D. P., Jolliffe, D., Loeber, R., Stouthamer-Loeber, M., & Kalb, L. M. It should be no surprise that Victor encountered legal problems in his adolescence through age twenty when he was arrested in this case.

While Victor has a caring and nurturing family, he has no male siblings. His two sisters, Vanessa and Victoria Florentino have had full time jobs and were no available to provide guidance to their younger brother. Vannessa works full time in the health care field and Victoria was a community activist, who quit her job to take care of her mother fulltime when Victor was arrested. See Letters from Victoria, Vanness and Luz Llamas attached as Exhibit 1.

In 2002, Victor's mother was diagnosed with brain cancer. See Letter Doctor's attached as Exhibit 2.[2] She went into remission but it reoccurred in 2014, just before Victor got involved in the instant conduct. While his mother could function, Victor was her primary caretaker after her surgery and during her chemotherapy sessions afterward. See Exhibit 1. The emotional toll this took on Victor and his family is significant. Exhibit 1.

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[1] This article can be found online at: http://devpsychopathologyru.nl/wp-content/uploads/2012/12/2009-Frequency-and-seriousness-of-parental-offending-and-their-impact.pdf

[2] Ms. Llamas suffers from a rare form of brain cancer called anaplastic oligodendroglioma. See www.ncbi.nlm.nih.gov/pmc/articles/PMC3994534/ Ms. Llamas has suffered serious health deterioration since the recurrence in 2014. This disease can cause seizures and "neurologic symptoms such as headache, focal weakness, vision changes, or cognitive deficits due to mass effect from the tumor." *Ibid*. Ms. Llamas is disabled as a result and requires full-time caretaking by her daughter, Victoria. Exhibit 1.

During this time period, Victor continued to lack a male mentor and guidance as he was thrust into a role of caretaker for his mother. Given his background and the emotional tumult in family, it is no surprise that this twenty year backslid and reoffended.

2. Special Circumstances: His Mother's Health

Mr. Florentino's family is focused on taking care of his mother who's health has deteriorated since 2014. See Exhibits 1 and 2. She is diagnosed with a terminal form of brain cancer and he life expectancy is approximately 2 to 3 years. See Exhibit 2. Obviously, the Florentino family would prefer to have Victor help in her care rather than be incarcerated for one day. Since his arrest, the burden has fallen on his sister, Victoria, and she could use some relief. Victor is the logical choice.

While Mr. Florentino must be punished for his offenses, the question is whether there are special circumstances to warrant a sentence lower than that recommended by the guidelines. His mother's health, the burden her condition had on his siblings and Mr. Florentino's history are factors this Court can consider in fashioning a sentence that is no harsher than necessary to meet the goals of the 18 U.S.C. Section 3553(a).

Mr. Florentino admits that his conduct was serious and that he must be incarcerated to send a message of deterrence to others, to punish him adequately and to ensure that the public is safe. When these objectives of the sentencing guidelines are balanced against the needs of his family, his personal history and the impact that the loss of his mother would have on him if incarcerated given his age, a lower sentence and creative crafting of conditions makes sense in this case.

Wherefore, defendant moves this Court to impose the sentence requested. Mr. Florentino's sister, Victoria, and mother are expected to be present at sentencing to address any questions the Court might have.

Respectfully Submitted,

/s/JAMES BUDREAU
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CERTIFICATE OF SERVICE

I, James Budreau, do hereby certify that this motion has been filed electronically and that it will be served electronically to registered ECF participants as identified on the Notice of Electronic Filing (NEF) on June 2, 2017.

/s/ James Budreau
James Budreau